



# CITY OF SANTA BARBARA

## ORDINANCE COMMITTEE AGENDA REPORT

**AGENDA DATE:** March 25, 2008  
**TO:** Ordinance Committee  
**FROM:** Treasury Division, Finance Department  
**SUBJECT:** Title 5 Business License And Permits Update

### RECOMMENDATION:

That the Ordinance Committee consider proposed amendments to Title 5 of the Municipal Code and forward the ordinance amendments to the City Council for introduction and adoption.

### EXECUTIVE SUMMARY:

Title 5 of the Municipal Code contains ordinances that establish tax and permit requirements for businesses that are located or conduct business within the City. The recommended revisions range from updating the language concerning the duties performed by the Finance Department, to moving administrative fees from the Code to a separate fee schedule adopted by Council resolution, to adding tools to assist the Finance Department in identifying businesses that are operating within the City and which may require a business license. Staff also recommends repealing certain chapters and sections of Title 5 that have become outdated, been preempted by state or federal law, or have expired by their own terms.

An ordinance showing the proposed changes from the existing code is attached as Attachment 1.

### Proposed Changes

#### *Updating Language*

Currently Chapter 5.01 authorizes and explains the duties for the Tax and Permit Inspector. This position was reclassified to Finance Supervisor over 10 years ago. In an effort to update the code to reflect current practices, staff recommends Chapter 5.01 be updated to read that the Finance Department shall administer taxes and permits under

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REVIEWED BY: \_\_\_\_\_ Finance \_\_\_\_\_ Attorney \_\_\_\_\_ Name of Additional Department(s) That Need to Review CAR

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the supervision and control of the City Finance Director. This change allows the Finance Director to delegate duties and will not require future revisions to the Code when job titles change within the department.

Staff is proposing two sections be added to the code (5.04.356 and 5.04.358). Both sections provide staff the ability to request listings of businesses operating in the City from mail receiving center operators and real property managers.

#### 5.07 Private Patrol Operators

Private Patrol Operator registration approvals are currently handled by the Fire and Police Commission. In an effort to expedite registration, the commission supports the Chief of Police having the authority to approve Private Patrol Operations.

#### *Miscellaneous Fees to Resolution*

The majority of administrative fees associated with permit applications and services are stated directly in the Code. Staff recommends replacing references to specific fees in the Code with references to fees established by resolution of the City Council. This change will facilitate the periodic adjustment of administrative fees as the cost of providing the service changes.

#### *Repealing Sections*

#### Vehicle Sticker References

The Sections referenced below require the issuance of vehicle stickers to businesses in compliance. Stickers have not been issued in the last 15 years as business licensing does not have a field inspector position to monitor vehicles for compliance and the expense associated with maintaining vehicle sticker issuance is not cost effective.

5.04.480(c) Every vehicle upon which the tax under this section is required to be measured shall have conspicuously displayed thereon the tax sticker furnished by the Tax and Permit Inspector. (Trucking and Hauling)

5.04.490(f) Every vehicle upon which the tax under this section is required to be measured shall have conspicuously displayed thereon the tax sticker furnished by the Tax and Permit Inspector Finance Supervisor. (Buses and Limousines)

5.64.130 Each permittee shall place in a conspicuous manner upon every machine under his control a sticker furnished by the Tax and Permit Inspector, which sticker shall indicate that applicable permit fees have been paid. (Coin Operated Machines)

5.04.550 Tax - Peddlers Advertising.

This Section is being deleted because it is obsolete. This section dates back to 1963 wherein peddlers of medicine were permitted. Current state and federal laws prohibit this type of activity.

5.04.830 Tax Rate Reduction - Previously Paid Taxes

This Section is being deleted because the transition period it was intended to address ended long ago.

5.06 Business Tax Incentive, Etc.

This Chapter is being deleted because it expired by operation of Section 5.06.080.

5.16 Motion Picture Operators

This Chapter is being deleted because it is obsolete. This Chapter dates back to when motion picture booths were common practice. There has not been an Examining Board in over 15 years.

5.52 Auctions and Auctioneers

This Chapter is being deleted because it has been preempted by state law regulating auctioneers.

**ATTACHMENT:** Draft Ordinance Amending Title 5 of the Municipal Code

**PREPARED BY:** Brenda Monser, Finance Supervisor

**SUBMITTED BY:** Robert D. Peirson, Finance Director

**APPROVED BY:** City Administrator's Office

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA AMENDING TITLE FIVE OF THE  
SANTA BARBARA MUNICIPAL CODE CONCERNING  
BUSINESS TAXES AND PERMITS**

**THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:**

SECTION 1. Except as otherwise provided in this ordinance, each use of the term "Tax and Permit Inspector" in Title 5 of the current Code shall be replaced with the term "Finance Department".

SECTION 2. Chapter 5.01 of Title 5 of the Santa Barbara Municipal Code is amended to read as follows:

**5.01.010 Authorization for Duties.**

The ~~Tax and Permit Inspector, who is~~Finance Department shall administer taxes and permit under the supervision and control of the City ~~Treasurer~~Finance Director. ~~The Finance Department~~ shall perform all duties enumerated in Section 5.01.020 and such duties as may be ~~prescribed for the Tax and Permit Inspector and~~ set forth in ~~Chapter 5.04~~this Title 5, together with such other duties as may now or hereafter be prescribed by any other ordinance of the City.

**5.01.020 Duties Generally.**

It shall be the duty of the ~~Tax and Permit Inspector~~Finance Department to:

(1) Obtain, and receipt for, ~~and deliver to the City Treasurer,~~ daily, as received, all taxes and permit fees payable to the City, and to issue and deliver permits under the business permit chapters of the Santa Barbara Municipal Code;

(2) Investigate each new business commencing in the City so as to ascertain whether or not a bond, tax, or permit is required therefor, and the ~~Inspector~~Finance Department shall see to it that all legal requirements of the City are complied with in such matters;

(3) Investigate complaints pertaining to persons subject or allegedly subject to the City's Municipal Code relating to business taxes and permits, and require strict compliance with and observance of said sections of said Code;

(4) Keep full and complete records of all activities, action taken, tax receipts and permits issued and moneys received;

(5) Exercise all reasonably necessary and convenient police authority and powers necessary in the discharge and performance of the aforementioned duties.

SECTION 3. Sections 5.04.070, 5.04.110, 5.04.150, 5.04.160, 5.04.170, 5.04.290, 5.04.310, and 5.04.354 of Chapter 5.04 of Title 5 of the Santa Barbara Municipal Code are amended to read as follows:

**5.04.070 Businesses Not Listed - FeeTax.**

Any person carrying on, either as principal or agent, any business in the City not herein specifically set forth shall pay the amount of the tax described herein provided for the business nearest corresponding to the nature of the business to be taxed.

**5.04.110 Civil Liability - Action by City.**

The amount of any tax imposed by this chapter shall be deemed a debt to the City, and any person carrying on any business without having paid a tax as herein required, shall be liable to an action in the name of the City in any court of competent jurisdiction, for the amount of tax by this chapter imposed on such business, together with all penalties then due

thereon, and ~~the sum of thirty-five dollars (\$35.00) which, if judgment be recovered, shall be applied as attorney fees for the plaintiff and included and assessed as~~ recoverable costs in the action.

#### **5.04.150 Duplicate ~~Receipt~~Certificate - Fee.**

The ~~Tax and Permit Inspector~~Finance Department shall ~~make a charge of one dollar (\$1.00)~~a fee, as established by resolution of the City Council, for each duplicate receipt issued to replace any receipt issued under the provisions of this chapter which has been lost or destroyed.

#### **5.04.160 ~~Fee~~Tax Payment in Advance.**

All taxes shall be paid in advance.

#### **5.04.170 Due and Payable - Renewal.**

All taxes required to be paid under the provisions of this chapter shall be delinquent if not paid on or before midnight of the last day of the calendar month in which the tax period begins, as such tax period beginning is required to be set under the provisions of Section 5.04.190.

~~—Effective January 1, 1979, all annual renewals shall occur during the month of January. In order to amend the renewal date of all existing annual taxes and to cause all new annual taxes to be due in the month of January, the Tax and Permit Inspector shall pro-rate the tax and issue licenses for new businesses and renewals for the remainder of the 1978 calendar year based upon the number of months remaining in 1978 at the time of renewal or initial~~

~~application. Effective January 1, 1979, all new and renewal taxes and licenses shall be for the full year or the remainder of the year for those expiring before the end of the 1979 calendar year in order to have all annual taxes due in the month of January.~~

**5.04.290 Failure to File Application - ~~Tax and Permit Inspector~~Finance Department's Powers to Determine.**

If any person fails to file any required application or statement within the time prescribed, or, if after demand made by the ~~Tax and Permit Inspector~~Finance Department, ~~he~~any person fails to file a corrected statement or a corrected application, the ~~Tax and Permit Inspector~~Finance Department may determine the amount of tax due from such person by means of such information as ~~he~~the Finance Department may be able to obtain, adding any accrued penalties computed with respect to the determined tax amount.

**5.04.310 Failure to Pay Determined Amount - Hearing - Notice.**

Within ten (10) days after service of the notice of tax determination, the person served may pay the determined tax amount, together with accrued penalties. If such person does not pay the determined amount, together with accrued penalties, on or before the expiration of such tax (10) day period, the ~~Tax and Permit Inspector~~Finance Department must cause the matter to be set for hearing before the City Council within twenty-one (21) days. Notice of hearing shall be served by the ~~Tax and Permit Inspector~~Finance Department upon such person at least ten (10) days prior to the date set for such hearing in the manner prescribed above for service of notice of tax determination. Upon the hearing, the Council shall consider all evidence produced, and written notice of its findings thereon, which findings shall be final,

shall be served upon such person by the ~~Tax and Permit Inspector~~Finance Department in the manner prescribed above for the service of notice of tax determination. If the Council finds that the amount of tax due and unpaid is equal to or greater than the amount initially determined by the ~~Tax and Permit Inspector~~Finance Department, ~~the Council shall add twenty dollars (\$20.00) a non-refundable fee established by resolution of the City Council shall be added~~ to the total of the amount of tax unpaid and accrued penalties to cover the cost of administration and hearing in the matter.

#### **5.04.354 Enforcement of Chapter - Real Estate Brokers.**

Any real estate broker licensed to do business in the City shall furnish to the ~~Tax and Permit Inspector~~Finance Department the name, address, and current business tax certificate number of all salespersons who operate under the Real Estate Broker's State of California Broker's License. Said list shall be submitted annually ~~on or before March 15~~with the business tax renewal notice.

SECTION 4. Sections 5.04.356 and 5.04.358 are added to Chapter 5.04 of Title 5 of the Santa Barbara Municipal Code to read as follows:

#### **5.04.356 Enforcement of Chapter - Mail Receiving Center Operators.**

Any person doing business in the City as a mail receiving center operator shall furnish to the Finance Department the name, address, phone number, and current business tax certificate number of all businesses that contract for services with such mail receiving center operator at locations within the City limits. Said list shall be submitted annually with the mail receiving center's business tax renewal notice.

#### **5.04.358 Enforcement of Chapter - Real Property Managers.**

Any person doing business in the City as a real property manager shall furnish to the Finance Department the name, address, phone number, and current business tax certificate number of all businesses that provide services at real property located within the City of Santa Barbara that is managed by the real property manager. Said list shall be submitted annually with the real property manager's business tax renewal notice.

SECTION 5. Sections 5.04.400, 5.04.420, 5.04.425, 5.04.426, 5.04.520, 5.04.530, 5.04.550, 5.04.600, 5.04.610, and 5.04.620 of Chapter 5.04 of Title 5 of the Santa Barbara Municipal Code are amended to read as follows:

#### **5.04.400 Tax - Gross Receipts - Manufacturing, Wholesaling and Processing.**

Every person carrying on the business consisting of manufacturing, packing, processing or selling at wholesale any goods, wares and merchandise or commodities at a fixed place of business within the City shall pay an annual tax based upon annual gross receipts at the following rates:

Annual Gross Receipts

<u>In Thousands</u>	<u>Annual <del>Fee</del>Tax</u>
\$ 0 - 50	\$ 25
50 - 60	27
60 - 70	29
70 - 80	32
80 - 90	35
90 - 100	38
100 - 125	45
125 - 150	55
150 - 175	64

Annual Gross Receipts  
In Thousands

<u>In Thousands</u>	<u>Annual <del>Fee</del>Tax</u>
\$ 175 - 200	\$ 72
200 - 250	85
250 - 300	101
300 - 350	117
350 - 400	133
400 - 450	145
450 - 500	160
500 - 600	175
	6

600 - 700	195
700 - 800	216
800 - 900	224
900 - 1000	240

The annual feetax on annual gross receipts in excess of one million dollars (\$1,000,000.00) shall be as follows:

\$240.00 plus \$20.00 per \$100,000.00 gross receipts or fraction thereof up to \$3,000,000.00 plus \$15.00 per \$100,000.00 gross receipts or fraction thereof between \$3,000,000.00 and \$6,000,000.00 gross receipts or fraction thereof, plus \$10.00 per \$100,000.00 gross receipts or fraction thereof in excess of \$6,000,000.00 gross receipts or fraction thereof.

#### **5.04.420 Tax - Businesses and Professions Enumerated.**

Every person conducting or carrying on any business, profession or occupation herein enumerated, shall pay an annual tax based upon each professional member and the average number of employees computed as follows:

(1) The first person practicing his profession, or semi-profession, one hundred dollars (\$100.00) per year.

(2) For each additional professional or semi-professional, other than as a salaried employee, one hundred dollars (\$100.00) per year.

(3) For each additional professional or semi-professional, as a salaried employee, forty dollars (\$40.00) per year.

(4) For each employee in addition to the above, twenty dollars (\$20.00) per year.

Abstract and title	Assayer
Accountant	Attorney at law
Advertising agent	Auditor
Appraiser	Bacteriologist
Architect	Blueprinter
Artist	Book agent

Broker or commission agent other than real estate brokers and agents	Landscape gardener or architect
Certified public accountant	Lapidary
Chemist	Masseuse
Chiropodist	Mercantile agency
Chiropractor	Meteorologist
Civil, electrical, mining, chemical, structural, consulting or hydraulic engineer	Mortician
Climatologist	Naturopath
Collection agency	Nurse
Computer programmer	Oculist
Corporate headquarters	Optician
Credit reporting bureau	Optometrist
Dentist	Osteopath
Designer, illustrator or decorator	Physician
Detective agency and/or private patrol	Physiotherapist
Draftsman	Piano tuner
Drugless practitioner	Property management
Electrologist	Public stenographer
Engineer	Research labs (no gross receipts)
Engraver	Roentgenologist
Entomologist	Sign painter
Feed, grain and fruit broker	Surgeon
Geologist	Surveyor
Illustrator or show card writer	Systems analyst
Insurance or claims adjuster	Taxidermist
Interpreter	Termite inspector
	Veterinarian

And every person conducting or carrying on the business of treating, curing, administering to or giving treatments to the sick, wounded or infirm for the purpose of bringing about their recovery, by any method or pursuant to any belief, doctrine or system other than those herein specifically named and charging a fee or compensation therefor.

And any other profession or semi-profession not otherwise classified in this chapter. For purposes of determining whether a position is professional or semi-professional, the ~~Tax and Permit Inspector~~Finance Department shall use and be guided by the then current edition of the Dictionary of Occupational Titles issued by the U.S. Department of Labor, Employment and Training Administration. A copy of said dictionary is on file with the ~~Tax and Permit Inspector~~Finance Department and the Office of Citizen Services.

#### **5.04.425 Residential Rentals.**

A. Every person carrying on the business of operating an apartment house, a court, a permanent recreational vehicle or mobilehome park (as defined in Title 28 of this Code), duplexes, or single-family dwellings, which business controls a total of three (3) or more rental units, shall pay an annual feetax based upon the total gross receipts as follows:

Annual Tax - \$15.00 minimum plus \$1.00 per \$1,000 gross receipts or fraction thereof over \$10,000.

B. For purposes of this section, rental unit shall mean a housing accommodation which is offered for rent, lease or charge and shall include, but not be limited to, the following or like situations: an apartment, court, duplex, mobilehome park space or permanent recreational vehicle space.

#### **5.04.426 Commercial Rentals.**

Every person carrying on the business of renting, leasing or subletting one (1) or more commercial rentals shall pay an annual feetax based upon the total gross receipts as follows:

Annual Tax - \$15.00 minimum plus \$1.00 per \$1,000 gross receipts or fraction thereof over \$10,000.

#### **5.04.480 Tax - Trucking - Hauling.**

(a) Every person carrying on the business of operating any truck, tractor or other vehicle for the transportation of property for hire or compensation, and who in the course of that

business uses the public streets and highways of this City for the purpose of such business, shall pay an annual tax measured as follows:

(1) For any vehicle having not more than two (2) axles, according to the following schedule:

<u>Unladen Weight</u>	<u>Annual Tax Per Vehicle</u>
Less than ten thousand pounds (10,000 lbs.)	Sixteen cents (\$0.16) for each day or fraction thereof such vehicle is used as specified in Subsection (a).
Ten thousand pounds (10,000 lbs.) or over	Twenty cents (\$0.20) for each day or fraction thereof such vehicle is used as specified in Subsection (a).

(2) For any vehicle having three (3) or more axles or for any trailer, semi-trailer, pole or pipe dolly, or other dolly according to the following schedule:

<u>Unladen Weight</u>	Ten thousand pounds (10,000 lbs.) or over
Less than ten thousand pounds (10,000 lbs.)	

### Annual Tax Per Vehicle

Twenty cents (\$0.20) for each day or fraction thereof such vehicle is used as specified in Subsection (a).	Twenty-four cents (\$0.24) for each day or fraction thereof such vehicle is used as specified in Subsection (a).
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(3) The minimum annual tax payable under this section shall be twenty dollars (\$20.00).

(b) In determining the weights and types of equipment upon which the tax under this section is required to be measured, the weight prescribed by the Motor Vehicle Code of the State of California shall apply and the applicant for such tax shall present the certificate of registration from that Department for reference.

~~(c) Every vehicle upon which the tax under this section is required to be measured shall have conspicuously displayed thereon the tax sticker furnished by the Tax and Permit Inspector.~~

(~~dc~~) Any person required to pay the annual tax imposed by this section, when making any statement, other than a corrected statement, set out in Sections 5.04.210 - 5.04.240, may estimate the number of and the unladen weights of any vehicles to be used as specified in Subsection (a) of this section. Such estimate may be based upon any reasonable method of calculation and any finally determined overpayments or underpayments shall be paid in, credited, or returned, in the manner provided in Sections 5.04.230 -- 5.04.240.

(~~ed~~) No tax hereunder shall be required for the operation of any vehicle for any day or fraction thereof when such vehicle is operated exclusively between points within this City and points without this State.

(~~fe~~) No tax hereunder shall be required for the operation of any motor vehicle or equipment along the streets of this City if such operation is merely occasional and incidental to a

business conducted elsewhere; provided, however, that no operation shall be deemed merely occasional if trips or hauls are made, beginning or ending at points within this City upon an average of more than once a week in any quarter, and a business shall be deemed to be conducted within this City if an office or agency is maintained here or if transportation business is solicited here.

(~~g~~f) The provisions of this section are not to be construed as imposing a tax upon vehicles, but as a method of classification of business.

#### **5.04.490 Tax - Transporting Persons for Hire.**

(a) Every person carrying on the business of operating any vehicle for the transportation of persons for hire, and who in the course of that business uses the public streets and highways of this City for the purpose of such business, shall pay an annual tax to be measured as hereinafter provided.

(b) The business taxed under the provisions of this section shall be the transportation of persons:

- (1) Wholly within the City;
- (2) From a place or places outside the City to a place or places within the City;
- (3) From a place or places within the City to a place or places outside of the City;
- (4) From a place or places within the City to a place or places within the City even though such transportation involves going outside the City in the course thereof.

(c) This section shall not apply to the business of operating motor coaches or other motor vehicles under the provisions of a franchise granted by, and which requires a franchise fee or charge based upon, such operations to be paid to the City, when such fee or charge has been paid.

(d) The tax required to be paid under this section shall be measured as follows:

(1) For each ambulance, the tax shall be ten cents (\$0.10) for each day or fraction thereof of its operations as specified in Subsection (b);

(2) For each vehicle having a seating capacity of ten (10) or less persons, the tax shall be twenty-two cents (\$0.22) for each day or fraction thereof of its operation as specified in Subsection (b);

(3) For each vehicle having a seating capacity of eleven (11) to thirty (30) persons, inclusive, the tax shall be twenty-six cents (\$0.26) for each day or fraction thereof of its operation as specified in Subsection (b);

(4) For each vehicle having a seating capacity of more than thirty (30) persons, the tax shall be thirty cents (\$0.30) for each day or fraction thereof of its operation as specified in Subsection (b);

(5) The minimum annual tax payable under this section shall be twenty dollars (\$20.00).

(e) Notwithstanding the provisions of Subsection (d), where any vehicle is operated exclusively on any day to transport students or members of bona fide youth organizations and their supervising adults to and from public or private schools, school events, or other youth activities, without regard to the manner or source of compensation to the operator, the tax shall be ten cents (\$0.10) for each day or fraction thereof of its operation as specified in Subsection (b).

~~(f) Every vehicle upon which the tax under this section is required to be measured shall have conspicuously displayed thereon the tax sticker furnished by the Tax and Permit Inspector.~~

(g) Any person required to pay the annual tax imposed by this section, when making any statement, other than a corrected statement, set out in Sections 5.04.200 - 5.04.230, may estimate the number of and the seating capacities of any vehicles to be used as specified in Subsection (b) of this section. Such estimate may be based upon any reasonable method of calculation and any finally determined overpayments or underpayments shall be paid in, credited, or returned in the manner provided in Section 5.04.220 - 5.04.230.

(hg) No tax hereunder shall be required for the operation of any vehicle for any day or fraction thereof when such vehicle is operated exclusively between points within this City and points without this State.

(ih) No tax hereunder shall be required for the operation of any vehicle along the streets of this City if such operation is merely occasional and incidental to a business conducted elsewhere; provided, however, that no operation shall be deemed merely occasional if trips are made beginning or ending at points within this City upon an average of more than once a week in any quarter, and a business shall be deemed to be conducted with this City if an office or agency is maintained here or if transportation business is solicited here.

(ji) No tax hereunder shall be required for the operation of any motor vehicle for any day or fraction thereof when such vehicle is operated exclusively between fixed termini or over regular routes in passenger stage operations under certificate issued by the Public Utilities Commission pursuant to Division 1, Part 1, Chapter 5, Article 2 of the Public Utilities Code of the State of California and for which operation a certificate of public convenience and necessity has been issued by the Interstate Commerce Commission.

(kj) The provisions of this section are not to be construed as imposing a tax upon vehicles, but as a method of classification of business.

SECTION 6. Section 5.04.550 of Chapter 5.04 of Title 5 of the Santa Barbara Municipal Code is deleted in its entirety.

**~~5.04.550 Tax - Peddlers Advertising.~~**

~~—Every person carrying on the business of a peddler of medicine, who calls attention to his wares or advertises the same by the use of music, entertainment, speech, fancy or grotesque dress, or other device, shall pay a tax of one hundred dollars (\$100.00) per day.~~

SECTION 7. Section 5.04.610 of Chapter 5.04 of Title 5 of the Santa Barbara Municipal Code is amended to read as follows:

**5.04.610 Tax - Handbills.**

(a) Temporary handbill distributor.

Every person carrying on the business of handbill distribution pursuant to a temporary handbill permit issued pursuant to §5.24.050(1) shall pay a minimum tax ~~fee~~ of five dollars (\$5.00) to distribute not more than four thousand (4,000) handbills within ten (10) days, and for each one thousand (1,000) in excess thereof, an additional ~~fee~~tax of one dollar (\$1.00).

(b) Private handbill distribution system.

Every person carrying on the business of handbill distribution pursuant to a private handbill distribution system permit issued pursuant to §5.24.050(2) shall pay the tax required by §5.04.420.

SECTION 8. Section 5.04.630 of Chapter 5.04 of Title 5 of the Santa Barbara Municipal Code is deleted in its entirety.

**~~5.04.630 Tax - Solicitors, Canvassers.~~**

~~Every person carrying on the business of soliciting or canvassing or taking orders for any goods, wares or merchandise, or any other thing at retail, and not having a fixed place of business in the City, or is not an agent of a principal having a fixed place of business in the City, shall pay a tax of five dollars (\$5.00) per day for each such canvasser or solicitor.~~

SECTION 9. Section 5.04.640 of Chapter 5.04 of Title 5 of the Santa Barbara Municipal Code is amended to read as follows:

**5.04.640 Tax - Wrestling or Boxing.**

Every person carrying on the business of conducting wrestling or boxing exhibitions shall pay a permit feetax as provided in Section 5.48.040.

SECTION 10. Section 5.04.830 of Chapter 5.04 of Title 5 of the Santa Barbara Municipal Code is deleted in its entirety.

**~~5.04.830 Tax Rate Reduction - Previously Paid Taxes.~~**

~~If any person has already paid the annual taxes required to be paid for the privilege of doing business on and after July 1, 1964, the Tax and Permit Inspector shall allow and give to such person a credit against the taxes next required to be paid for a renewal receipt in an amount equal to five percent (5%) of that portion of the taxes paid which was for the privilege of doing business on and after July 1, 1964; or, if no renewal receipt is to be issued, then such person shall be entitled to a refund of an amount equal to five percent (5%) of that portion of the taxes paid which was for the privilege of doing business on and after July 1, 1964, upon his filing a claim for such refund in the Finance Office not later than one (1) year from the expiration of the period for which the taxes were paid.~~

SECTION 11. Chapter 5.06 of Title 5 of the Santa Barbara Municipal Code is deleted in its entirety.

**~~5.06.010 Purpose.~~**

~~—The City Council of the City of Santa Barbara finds that air quality in the City and surrounding area now violates Federal Air Quality Standards on a significant number of days each year, that motor vehicle emissions contribute a greater quantity of pollutants than any other source, that commercial and fleet vehicles registered in the City contribute a significant part of the pollutants from all motor vehicles and that the health, safety and welfare of the residents of the City are seriously affected by deterioration in air quality. It is the purpose of this chapter to reduce the quantity of emissions from commercial and fleet vehicles by providing a reduction in business tax to owners of such vehicles to encourage conversion to a gaseous fuel system emitting low levels of pollutant.~~

**~~5.06.020 Definitions.~~**

~~—As used in this chapter, the words and terms defined in this section shall have the following meanings:~~

~~—(1) "Gaseous fuel system" means a fuel system which permits a motor vehicle equipped with such system to be operated on compressed natural gas, liquefied natural gas, or liquefied petroleum gas.~~

~~—(2) "Motor vehicle" means any vehicle which legally operates upon the streets and highways and is powered by an internal combustion engine fueled by gasoline before conversion.~~

~~—(3) "Conversion" means installation in a motor vehicle of a kit or device resulting in the substitution of a gaseous fuel for gasoline.~~

~~—(4) "State of California Conversion Certificate" means a currently valid certificate of compliance issued pursuant to California Vehicle Code Section 4000.1 and which indicates conversion.~~

#### **~~5.06.030 Reduction of Business Tax - When.~~**

~~—Any person or entity owning and operating one (1) or more motor vehicles for the purposes of a business taxed under Chapter 5.04 of this Code shall, upon application as hereinafter in this chapter provided, be allowed a reduction in business tax provided that such motor vehicle or vehicles is or are converted to a gaseous fuel system. Such reduction in tax shall commence with the original payment or repayment of a business tax following the effective date of this ordinance and upon such application being made.~~

#### **~~5.06.040 Computation of Tax Reduction.~~**

~~—Business tax reduction pursuant to this chapter shall be computed at fifty percent (50%) of the vehicle day schedules set forth in Sections 5.04.480 and 5.04.490 of this Code. Such reduction, however, shall not be limited to individuals operating businesses of trucking, hauling or transporting persons for hire, but shall for the purpose of this chapter apply to all those who have paid business taxes. Notwithstanding the above, it is hereby provided:~~

~~—(a) That no reduction pursuant to this chapter shall exceed an amount equal to fifty percent (50%) of the total business tax due before reduction, and~~

~~—(b) That no reduction shall exceed the sum of fifty dollars (\$50.00) on account of any one (1) motor vehicle during the total period of years during which said motor vehicle is operated.~~

#### **~~5.06.050 Form of Application.~~**

~~—A business tax payee applying for reduction of business tax pursuant to this chapter shall do so on a form to be provided by the City Treasurer, which form shall include a certification by the applicant under penalty of perjury that the information provided is true and complete. The said applicant shall also present a State of California conversion certificate, pertaining to the motor vehicle or vehicles on account of which application is made.~~

#### **~~5.06.060 Preemption of Ordinance.~~**

~~—This chapter shall not apply as to any motor vehicle the conversion of which shall be required by any Federal or State legislation or regulation.~~

#### **~~5.06.070 Criteria of Conversion.~~**

~~—For the purposes of this chapter, a conversion must at least meet the standards set forth in California State Revenue & Taxation Code Section 8657.~~

#### **~~5.06.080 Automatic Repeal of Chapter.~~**

~~—This chapter shall terminate, and shall have no further force or effect five (5) years from the date of its adoption unless extended prior to the expiration of said period; provided that, reduction in business tax first allowed prior to the expiration of said period shall continue beyond said period until the maximum reduction of fifty dollars (\$50.00) is obtained for any one (1) motor vehicle.~~

**~~5.06.090 Effect of Transfer of Motor Vehicle.~~**

~~—If a converted motor vehicle is transferred from one (1) business tax payee to another, the transferee shall receive, in the manner prescribed above, the balance, if any, of the reduction of business tax up to the maximum of fifty dollars (\$50.00) allowed for one (1) motor vehicle.~~

SECTION 12. Chapter 5.07 of Title 5 of the Santa Barbara Municipal Code is amended to read as follows:

**5.07.010 Definitions.**

~~The~~In this Chapter 5.07, the following words and phrases shall have the meaning indicated, unless the context or usage clearly requires a different meaning.

A. PRIVATE PATROL OPERATOR. Any person, partnership, corporation, firm, agency or other organization which provides security or investigative services within the City of Santa Barbara wholly or partially through the use of personnel attired in distinctive uniforms and/or vehicles with distinctive markings.

B. ~~COMMISSION~~DEPARTMENT. The ~~Fire and Police Commission~~Police Department of the City of Santa Barbara.

**5.07.020 Legislative Intent.**

This ordinance is adopted to ensure that the uniforms and vehicles used by employees of private patrol operators are clearly distinguishable from those used by the Santa Barbara Police Department and other law enforcement agencies in the South Coast area of Santa Barbara County.

#### **5.07.030 Registration Required.**

No private patrol operator shall provide services within the City of Santa Barbara without first having registered with the ~~Commission~~Department in the manner provided in this Chapter.

#### **5.07.040 Registration Procedure.**

Any person, partnership, corporation, firm, agency or other organization desiring to be a private patrol operator in the City of Santa Barbara shall register with the ~~secretary of the~~ ~~Commission~~Department. The registration submittal shall contain at least the following information:

- A. Name of registrant.
- B. Business address of registrant.
- C. Description of the type of private patrol operation which registrant plans to conduct.
- D. Number of uniformed employees registrant plans to perform services in the City of

Santa Barbara.

E. Description of employees' uniform including, but not limited to the following information:

- 1. color of clothing;
- 2. color and design of badge to be worn by employees;
- 3. color, design and location on the uniform of any distinctive patches.

F. Description of all distinctively marked vehicles to be used in the City of Santa Barbara, including, but not limited to the following:

- 1. color;

2. description and location on the vehicle of any distinctive insignia;
3. description and location on the vehicle of any emergency lights.

G. Number of distinctively marked vehicles to be used by the applicant in the City of Santa Barbara.

H. A copy of the registrant's current state license.

**5.07.050 ~~Commission Agenda.~~[Reserved.]**

~~A registration for a private patrol operator permit shall be placed on the next agenda of the Commission which has not been finalized at the time the registration is filed.~~

**5.07.060 ~~Commission Action~~ on Registration.**

The ~~Commission~~Department shall review all registrations for private patrol permits to determine whether the uniforms and vehicles to be used by the registrant are clearly distinguishable from those used by the Santa Barbara Police Department and other law enforcement agencies in the South Coast area of Santa Barbara County. If the ~~Commission~~Department determines that said uniforms and vehicles are not clearly distinguishable, ~~it~~the Department shall order the registrant to modify the uniforms and vehicles in a manner which the ~~Commission~~Department determines will make them clearly distinguishable from those used by the Santa Barbara Police Department and other law enforcement agencies in the South Coast area of Santa Barbara County. No registrant may utilize a uniform or vehicle which has not been approved by the ~~Commission~~Department pursuant to this section.

#### **5.07.070 Duration of Registration and Renewal.**

A private patrol operator registration shall be valid for one (1) year and may be renewed annually by the ~~Police Chief~~Department by the registrant filing a statement with the ~~secretary of the Commission~~Department declaring under penalty of perjury that the uniforms and vehicles used by the registrant in the City of Santa Barbara are the same as those previously approved by the ~~Commission~~ Department.

#### **5.07.080 Business Tax Applies.**

Nothing in this Chapter shall be construed to excuse the payment of the normal business tax required by Chapter 5.04 of this Code.

#### **5.07.090 Modification of Approved Uniforms and Vehicles.**

No registrant shall modify, change, or alter the uniforms and vehicles approved by the ~~Commission~~Department without first applying to the ~~Commission~~Department and receiving its determination that its uniforms and vehicles as modified, changed or altered are clearly distinguishable from those used by the Police Department of the City of Santa Barbara and other law enforcement agencies in the South Coast area of Santa Barbara County.

#### **5.07.100 Revocation of Registration.**

A private patrol operator registration may be revoked by the ~~Commission~~Department if it determines that the uniforms and vehicles used by the permittee in the City of Santa Barbara

are not the same as those approved by the ~~Commission~~Department. Prior written notice of the ~~date of Commission meeting at which the Commission will consider revoking the permittee's registration and an opportunity to be heard shall be provided to the registrant~~revocation shall be provided by the Department. A decision to revoke a registration may be appealed to the City Administrator of the City of Santa Barbara. The decision of the City Administrator on appeal shall be final.

SECTION 13. Sections 5.09.010, 5.09.050, 5.09.080, and 5.09.100 of Chapter 5.09 of Title 5 of the Santa Barbara Municipal Code are amended to read as follows:

#### **5.09.010 Tables on Sidewalks - Permit Required.**

No person shall place on or upon any public sidewalk or walkway within the corporate limits of the City, on or upon any sidewalk or walkway within the City held open to the use of the general public, any table, desk, counter or similar device as an adjunct to any non-commercial activity of a charitable or political nature, ~~as the same is defined in Sections 5.08.010(1) and 5.08.020 of Chapter 5.08 of this Code,~~ without having first secured a permit therefor.

#### **5.09.050 Application Fee.**

The applicant shall, in addition to the application required by this chapter, submit ~~ana non-refundable~~ application fee ~~of one dollar (\$1.00) for each table which he proposes to maintain as established by resolution of the City Council.~~

#### **5.09.080 Permit - No Authorization to Trespass.**

No permit issued under this chapter shall constitute ~~a license or~~ authorization by the City to enter into or to trespass upon any private premises or property without the consent of the owner thereof.

#### **5.09.100 Application for Permit - Appeal on Denial or Revocation.**

If any person is aggrieved by any ruling on any application filed pursuant to the provisions of this chapter, or by any revocation, such aggrieved person may appeal pursuant to the provisions of Section 1.30.050 of this Code. Alternatively, if there is insufficient time for a timely appeal to be heard by the City Council prior to the date for which a permit is sought, the applicant may, at his or her option, request that the City Clerk schedule the appeal before the City Administrator. The City Administrator or his designee shall hold a hearing no later than two (2) business days after the filing of the appeal, and will render his or her decision no later than one (1) business day after hearing the appeal. If the appeal is heard before the City Administrator, the City Administrator's decision shall be final.

SECTION 14. Sections 5.15.010 and 5.15.020 of Chapter 5.15 of Title 5 of the Santa Barbara Municipal Code are amended to read as follows:

#### **5.15.010 Definition and Exemption.**

For the purposes of this chapter, the activity "motion picture and television production" includes cine-matography, videotaping, digital recording, and other similar processes. Motion

picture and television production of current news activities are exempt from the provisions of this chapter.

#### **5.15.020 Permit for Business of Taking Motion Pictures.**

a. Every person engaged in the business of motion picture or television production in the City of Santa Barbara shall have a valid permit for such activity. The permit fees and exemptions shall be established by resolution of the City Council.

b. If the applicant would not be required to have a business license except for the activity relating to the business of motion picture or television production, the permit shall serve in place of said business license and the permittee shall not be required to have a separate business license.

SECTION 15. Chapter 5.16 of Title 5 of the Santa Barbara Municipal Code is deleted in its entirety.

#### **~~5.16.010 Examination of Applicant.~~**

~~It shall be unlawful for any person to take charge of the operation of any motion picture operating booth or operate any motion picture apparatus in a motion picture operating booth within the City, who shall not first have taken an examination and secured a permit provided.~~

#### **~~5.16.020 Permit - Appearance of Applicant Before Examining Board.~~**

~~Each applicant for a permit to operate any motion picture booth or apparatus as provided in Section 5.16.010 shall appear before an examining board, as provided in Section 5.16.060, and shall satisfy such board of his fitness to operate such apparatus.~~

#### **~~5.16.030 Permit - Duration - Nontransferable.~~**

~~—The motion picture operator's permit required in Section 5.16.010, shall be for a period of one (1) year from the date thereof and shall be nontransferable.~~

#### **~~5.16.040 Permit - Cancellation - Rights of Operator.~~**

~~—The examining board mentioned in this chapter shall have the authority to cancel the permit of any operator upon satisfactory proof of his unfitness, but not until due notice to the holder is given at least five (5) days prior to the date set for a hearing, and he shall have the right to be present with counsel and witnesses, and offer in his own behalf, such testimony as may be pertinent.~~

#### **~~5.16.050 Permit - Issuance Restrictions.~~**

~~—The permit required by this chapter shall not be issued to any person who is under the age of seventeen (17) years, nor to any person who is an habitual user of alcoholic liquor or narcotic drugs.~~

#### **~~5.16.060 Examining Board - Meetings.~~**

~~—The examining board shall meet at such times as it may in its discretion determine; provided, however, that every applicant for a permit under this chapter shall be examined within thirty (30) days of the date of the filing of his application with the examining board.~~

#### **~~5.16.070 Examining Board – Composition.~~**

~~—The examining board shall consist of the Chief of the Fire Department, the City Electrical Inspector and a third person to be designated by them.~~

#### **~~5.16.080 Examining Board – Compensation.~~**

~~—The members of the examining board shall serve without compensation.~~

SECTION 16. Sections 5.24. 010, 5.24.040, 5.24.050 and 5.24.070 of Chapter 5.24 of Title 5 of the Santa Barbara Municipal Code are amended to read as follows:

#### **5.24.010 Definitions.**

(1) Handbill - For the purposes of this chapter the word "handbill" means any commercial dodger, advertising circular, folder, booklet, letter, pamphlet, sheet, poster, sticker or banner.

(2) "Private handbill distribution system" means a business which has been determined by the Finance ~~Director~~Department to be operated to distribute handbills in the City of Santa Barbara on a continuing, regular and routine basis.

#### **5.24.040 Permit - Required in Addition to Other Provisions.**

It shall be unlawful for any person to commence, carry on or engage in the business of distributing handbills or to distribute handbills in the City, without complying with each and all of the provisions of this Chapter and without first having secured a permit from the Finance ~~Director~~Department. "Person" as used in this section shall mean the permittee and not its employees or agents, provided, however, that its employees or agents, while distributing

handbills, shall have in their possession a copy of the business tax receipt or handbill permit issued to said permittee pursuant to the provisions of this chapter.

#### **5.24.050 Types of Permit.**

The following permits may be issued by the Finance ~~Director~~Department pursuant to the provisions of this chapter:

(1) Temporary permit: Each such permit shall plainly state the number of handbills authorized to be distributed. Under the authority of such permit, the permittee may employ any number of persons to distribute such handbills ~~not exceeding~~ in the aggregate ~~the number authorized by such permit,~~ without further permit or tax as to such employees as long as the number of persons distributing handbills under the permit at any one time does not exceed the maximum number of persons authorized to distribute handbills under the permit.

Each such permit shall become null and void after the authorized number of handbills shall have been distributed and in any event shall expire on the tenth (10th) day after issuance.

(2) Annual permit: Each such permit shall be issued to a person, firm or organization upon a determination by the Finance ~~Director~~Department pursuant to §5.24.010(2) that said person, firm or organization is operating a private handbill distribution system and upon the payment of the required permit fee. Said permit shall be valid for a period of one (1) year, unless revoked, and may be renewed annually.

#### **5.24.070 Permit Fee.**

No permit shall be issued under this chapter until a tax shall have first been paid to the ~~Finance Director~~City in accordance with Chapter 5.04.

SECTION 17. Sections 5.28.050 and 5.28.070 of Chapter 5.28 of Title 5 of the Santa Barbara Municipal Code are amended to read as follows:

**5.28.050 Pedicab Operating Permit Fee.**

The City shall charge a non-refundable fee established by resolution of the City Council to recover the cost of activities associated with the administration, regulation, and issuance of pedicab operating permits.

**5.28.070 Pedicab Operating Permit Renewal.**

Pedicab operating permits shall be renewable annually upon filing and approval of a new application and payment of a pedicab operating permit fee as ~~determined~~ established by resolution of the City Council.

SECTION 18. Sections 5.30.20 and 5.30.080 of Chapter 5.30 of Title 5 of the Santa Barbara Municipal Code are hereby amended to read as follows:

**5.30.020 Permits and Exemptions.**

(a) Permit Required, Term and Fee. No person shall engage in, manage, conduct or operate a towing operation business without a towing permit which shall be obtained from the ~~offices of the Tax and Permit Inspector~~ Finance Department. The period for issuance of a towing permit shall be three (3) years and the fee for such permit shall be established by resolution of the City Council.

(b) Exemptions. The provisions of this chapter shall not apply to any towing operation that provides tow service:

(1) Exclusively to members of an association, automobile club, or similar organization and receives remuneration only from the sponsoring association, automobile club or similar organization;

(2) Without charge or fee for other vehicles owned or operated by the individual or organization furnishing the tow services;

(3) For other vehicles owned or operated by the individual or organization furnishing the tow service, but which are being operated under terms of a rent or lease agreement or contract, and such towing is performed on a non-profit basis or said fee is a part of the rent or lease agreement or contract; and

(c) Imposition of Conditions-Towing Operation Permit. In granting any permit under this chapter, the Board may impose such reasonable conditions relative to the activities of towing operations as it may be necessary for the protection of the public peace, safety, health or welfare and such conditions shall be consistent with the provisions of this chapter.

#### **5.30.080 Applications ~~and- Fee~~ - Issuance.**

(a) Issuing Authority. The issuing authority shall be ~~Tax and Permit Inspector~~Finance Department and the application for a permit shall be filed with the ~~Tax and Permit Inspector~~Finance Department. No permits shall be issued without the approval of the approving authority.

(b) Approving Authority. The approving authority shall be the Board, unless an appeal is filed. If the application for a towing permit is approved, the Board shall promptly notify the ~~Tax and Permit Inspector~~Finance Department who shall then issue the towing permit.

(c) Applications, Approval. The Police Chief is granted authority to approve the application form for a towing permit and request the information that he deems necessary to satisfy the objectives of this chapter. Upon the filing of an application and the non-refundable

application fee in an amount established by resolution of the City Council, the Board shall cause an investigation to be made, and shall approve a towing permit if it finds that the conduct or operation of a towing operation would not be detrimental or injurious to the public welfare, and that the applicant is of good character and of good business repute, and has not been convicted of theft or embezzlement, or of any offense involving the unlawful use, taking or conversion of a vehicle belonging to another, and is otherwise a fit and proper person to conduct a towing operation, or if the applicant is a corporation, its officers, directors and principal stockholders are of good character and of good business repute, and have not been convicted of theft or embezzlement, or of any offense involving the unlawful use, taking or conversion of a vehicle belonging to another, and are otherwise fit and proper persons to conduct such business, otherwise, the application shall be denied only after the Board shall conduct a hearing on said application.

SECTION 19. Sections 5.32.035, 5.32.050, and 5.32.120 of Chapter 5.32 of Title 5 of the Santa Barbara Municipal Code are hereby amended to read as follows:

**5.32.035 Prohibited Types of Peddling and Soliciting.**

A. Except as otherwise authorized in this Code, it shall be unlawful for any peddler or solicitor to do any of the following:

1. To peddle or solicit on or in any street within the City.
2. To peddle or solicit at any residence, dwelling, flat or apartment whereon a sign bearing the words "no peddler or solicitor" or words of similar meaning, indicating peddlers or solicitors are not wanted on the premises, is painted or affixed or exposed to the public view, or to attempt to gain admittance to such premises for the purpose of peddling or soliciting, except with the prior consent or at the prior invitation of some member of the household.

3. To peddle or solicit within the City at any time from sunset to nine o'clock (9:00 a.m.), except by prior appointment.

4. To peddle or solicit at any place within any commercial or industrial district as established in the Zoning Ordinance of the City.

B. Subsection A of this Section shall not apply to persons delivering articles upon order of or by agreement with a customer from a store or other fixed place of business or distribution.

C. ~~Subsections~~Paragraphs A.1, A.3 and A.4 of this Section shall not apply to the following:

1. Any person who is a certified producer authorized to participate and participating in a Certified Farmers Market, as defined, authorized and permitted in accordance with the provisions of Title 3, Chapter 3, Subchapter 1, Group 4, Article 6.5 of the California Code of Regulations (hereinafter, the "Market").

2. ~~Any~~ person selling non-certified goods at and during the Market (i) who sells only the type or types of goods currently authorized by the Council to be sold at the Market and (ii) who has been issued and has in her or his possession an original, currently valid certificate signed by the Manager of the Market and showing that she or he has been authorized by the manager of the Market to sell non-certified goods at the Market.

3. Any person authorized to sell goods on a City street pursuant to subsection 9.48.010.C of this Code.

D. ~~Subsections~~Paragraph A.4 of this Section shall not apply to (1) selling or taking orders in commercial or industrial establishments for goods, wares, merchandise or services to be used in connection with the operation or maintenance of the business; or (2) selling or offering for sale newspapers, magazines and periodicals in the present customary and usual manner of selling and offering for sale of newspapers, magazines and periodicals in the City.

### 5.32.050 Permit Application - Contents - Investigation Fee.

(a) Applicants for permit under this chapter must file with the ~~Tax and Permit Inspector~~Finance Department a sworn application in writing on a form to be furnished by the ~~Tax and Permit Inspector~~Finance Department, which shall give the following information:

- (1) Name and description of the applicant.
- (2) Permanent home address and full local address of the applicant.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery.
- (7) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed.

(b) At the time of filing the application, ~~a fee of ten dollars (\$10.00) shall be paid to the Tax and Permit Inspector~~ a non-refundable fee established by resolution of the City Council shall be charged to cover the cost of investigation of the facts stated. ~~The investigation fee shall not be refunded under any circumstances.~~

### 5.32.120 Permit Exemptions.

The provisions of this chapter shall not apply to selling to or taking orders from governmental agencies, ~~nor shall they apply to any person required to obtain a permit under the provisions of Chapter 5.36.~~

SECTION 20. Sections 5.40.010 and 5.40.030 of Chapter 5.40 of Title 5 of the Santa Barbara Municipal Code are amended to read as follows:

### 5.40.010 Permit Required - Application - Fee - Approval - Denial - Appeal.

It shall be unlawful for any person, whether acting as principal, agent, clerk, employee or otherwise, to commence or carry on or engage in the profession, calling, art, occupation or business of astrology, palmistry, phrenology, life reading, fortunetelling, cartomancy, crystal gazing, clairvoyance, clairsaudience, magic, necromancy, psychism, psychometry, mind reading, mental telepathy, automatic writing, spirit writing, trance mediumship, sandgazing, materialization, ballot reading, conducting trumpet seances, prophecy, augury, divination, the making, giving or selling of charms, potions, talismans, or magic articles, without first having made application in writing to the ~~Tax and Permit Inspector~~Finance Department for a permit to do so. At the time of filing the application, a non-refundable fee established by resolution of the City Council shall be paid to the City to cover the cost of investigating the facts stated in the application., ~~which permit shall be issued by the Tax and Permit Inspector~~The Finance Department shall only issue the permit after an order by the Board of Police and Fire Commissioners of the City granting the permit. Further the Board of Police and Fire Commissioners may in its discretion grant or deny any application presented to it under this

chapter; and, the decision of the Board of Police and Fire Commissioners with respect to the granting or denying of any such application shall be final and conclusive upon all persons and parties concerned, unless set aside or reversed or modified by the City Council, upon the aggrieved permittee's appeal duly filed pursuant to the provisions of Section 1.30.050 of this Code.

No privilege shall be exercised under any permit hereunder save and except after the payment to the City of the ~~permit fee fixed~~tax established by Chapter 5.04 of this Code.

Each permit issued hereunder shall continue in force and effect from and after its issuance only throughout and during the month of its issuance and the consecutive months thereafter for which the permit fee payable monthly in advance shall have been paid.

#### **5.40.030 Penalty for Violation - Unpaid Fees, Debt to City - Action Brought.**

Every person violating any provision of this chapter shall be deemed guilty of a separate offense for every day during any portion of which any such violation is committed, continued or permitted by such person and shall be punishable as provided in this ~~chapter~~Code. ~~Each violation of this chapter shall be punishable by a fine in a sum not exceeding two hundred dollars (\$200.00) or by imprisonment in the County Jail for a term not exceeding one hundred (100) days or by both such fine and imprisonment. Further the amount of any permit fee or fees which should have been paid under this chapter prior to the exercise of any privilege exercisable hereunder after the payment of the tax fixed by Chapter 5.04 of this Code shall be deemed a debt due and owing to the City, and any person who should have paid the amount of the fee or fees shall be liable to an action to collect such debt brought in the name of the City of Santa Barbara in any court of competent jurisdiction. Provided, further, that arrest and conviction shall not be construed as a waiver of the right of the City to bring such~~

~~civil action nor shall the bringing of such civil action release the defendant therein, or any other person, from criminal prosecution under this chapter.~~

SECTION 21. Section 5.44.030 of Chapter 5.44 of Title 5 of the Santa Barbara Municipal Code is amended to read as follows:

**5.44.030 Application for Permit, Fees.**

Any person desiring to obtain a permit to conduct or carry on any business mentioned in Section 5.44.010 shall file an application in writing therefor with the Chief of Police, specifying, by street and number, the place where such business is proposed to be conducted or carried on. Such application shall be signed by the applicant and shall contain the address of such applicant. At the time of filing the application, the applicant shall pay the City a non-refundable application fee established by resolution of the City Council. The  
addition to the application fee, the Chief of Police is authorized to charge fees to pay for Department of Justice charges for processing of applications for permits and licenses authorized by this Code or State law.

SECTION 22. Section 5.48.040 of Chapter 5.04 of Title 5 of the Santa Barbara Municipal Code is amended to read as follows:

**5.48.040 Commercial Matches - Permit Required - Fee - Special Police.**

Every person, before exercising any of the privileges conferred by Section 5.48.030 shall obtain from the ~~City Treasurer~~Finance Department, a permit to conduct any boxing contests, sparring or wrestling matches or exhibitions where an admission fee is received, and for such permit shall pay to the ~~City Treasurer~~Finance Department in advance, a non-refundable fee ~~of fifty dollars (\$50.00)~~established by resolution of the City Council. The permit, when issued,

shall entitle the permittee to conduct such contests, matches or exhibitions for a period of ninety (90) days after the date of issuance, subject to the rules, regulations and orders of the State Athletic Commission; provided further, that each permittee shall employ the number of Policemen designated by the Chief of Police, and shall maintain the officers on duty at or about the premises at least one (1) hour prior to and throughout any boxing contest, sparring or wrestling match or exhibition which may be conducted within the City. The officers must be appointed by the Chief of Police.

SECTION 23. Chapter 5.52 of Title 5 of the Santa Barbara Municipal Code is deleted in its entirety.

**~~5.52.010 Definitions.~~**

~~—The following words and phrases when used in this chapter shall have the meanings respectively ascribed to them in this section, unless a different meaning clearly appears from the context:~~

~~—(1) "Auction" and "auction sale" mean a sale of property by public outcry to the highest bidder.~~

~~—(2) "Auctioneer" includes and comprehends any person who shall, by public outcry, sell or offer to sell to the highest bidder, any property to be so sold through duly employed and permitted auctioneers.~~

~~—(3) "Fake sale" is any one of the following:~~

~~——(a) The sale of goods, wares or merchandise at auction or otherwise to agents or other persons purchasing the same for or on behalf of the owner or other person interested in the selling thereof;~~

~~——(b) The offering for sale of goods, wares or merchandise of a different quality, brand or bearing a different trademark as the merchandise previously advertised for sale.~~

~~—— (c) The sale of any goods, wares or merchandise misrepresented as to quantity or quality or otherwise. ——~~

~~—— (d) The sale or offering for sale of any goods, wares or merchandise transported or brought into the City, and not constituting the original legitimate stock of goods, wares and merchandise of a place of business within the City, as the original and legitimate stock of goods, wares and merchandise of such place of business, at a bankrupt, insurance, mortgage, insolvency, assignee's, receiver's, trustee's, creditor's, executor's or administrator's sale, or a forced removal sale, or closing-out sale, or the sale of goods damaged by fire, smoke, water or otherwise. Nothing herein shall be deemed to prevent, nor shall it be considered unlawful to sell the original stock of goods, wares and merchandise of any place of business at a bankrupt, insurance, mortgage, insolvency, assignee's, receiver's, trustee's, creditor's or administrator's forced removal or closing-out sale, but the bringing of new stock into any such place of business or the adding of new stock to such original stock of goods, wares and merchandise and selling or offering to sell, such new stock or added stock of such goods, wares and merchandise at the place of business at any of the sales above described, is hereby declared unlawful and to be a fake sale within the meaning thereof.~~

~~—— (4) "Jewelry" is any article of personal adornment which is composed in whole or in part of gold, silver or platinum, or which contains any precious or semi-precious stone, or imitations thereof, and shall include wrist and pocket watches and clocks.~~

~~—— (5) "Lot" means an article or group of articles offered for sale at an auction at one time.~~

#### **5.52.020 Certain Advertising Prohibited.**

~~—— It shall be unlawful for any person to ring any bell or sound any other loud or noisy instrument for the purpose of attracting attention to any auction sale.~~

#### **~~5.52.030 Auctioned Goods not to be Other than Items Used in Business or Household~~**

##### **~~Exception.~~**

~~—Whenever an auction is conducted in a private residence, or in a retail establishment, it shall be unlawful to sell or offer for sale at the auction, any goods or articles not actually belonging to and used by the owner or lessee of the premises, if the place of auction is a private residence, or which do not form a part of the regular stock in trade of the merchant occupying the premises, if the place of auction is a retail establishment; provided, however, that other articles may be sold as such auction if in any advertisements used to publicize the auction, the statement is made that other articles than those belonging to and used by the owner of the premises, or other articles than those which form a part of the stock in trade of the merchant, will be sold. Such articles shall be clearly tagged or labeled in such a manner as to indicate to prospective purchasers that the articles do not belong to and were not used by the owner or lessee of the premises, or do not form a part of the stock in trade of the merchant; and at the time of offering any such article for auction the auctioneer shall announce to the audience that the article does not belong to and was not used by the owner or lessee of the premises, or does not form a part of the stock in trade of the merchant.~~

#### **~~5.52.040 Display and Tagging of Articles in Lots Prior to Auction – Addition or Removal of Articles from Lots.~~**

~~—For a period of at least two (2) days prior to the day of any auction sale, between the hours of nine a.m. (9:00) and five p.m. (5:00), all articles to be auctioned off or offered at the sale shall be prominently displayed upon the premises and open to inspection by the public. Each lot to be offered upon the date of the sale shall be numbered for identification; and at the time~~

~~the lot is offered upon the block, the lot number shall be announced by the auctioneer. Every article in each lot to be offered on the day of the auction sale shall be marked with a clearly legible identification tag, identifying the articles as to lot number, and as to number within the lot. No article shall be added or removed from any lot at any time after it has been placed upon display, nor shall any lot be consolidated with all or any part of any other lot, nor may any lot be substituted for another lot, unless the fact of such withdrawal, consolidation or substitution is clearly announced to all prospective purchasers at the time the lot is offered for sale. No lot may be withdrawn from sale after two (2) bids have been made upon it, and the bids have been accepted by the auctioneer.~~

#### **~~5.52.050 Sale of Articles in Blind Packages Prohibited.~~**

~~—It shall be unlawful for any auctioneer or agent, employee or assistant, to offer or attempt to dispose of any property at any auction sale in blind packages; and all articles in any lot shall be prominently displayed while the lot is being auctioned off.~~

#### **~~5.52.060 Misrepresentations – Generally.~~**

~~—It shall be unlawful for any permittee, his agents, servants or employees, to make any statements which are false in any particular, or which have a tendency to mislead, or to make any misrepresentations whatsoever with reference to any article sold or offered for sale at public auction.~~

#### **~~5.52.070 Misrepresentations – During Course of Sale.~~**

~~—It shall be unlawful during the course of the sale for the auctioneer or any agent, assistant or employee to display upon the auction block or in his hand any article which is not a part of the lot then being auctioned off; or to represent in any manner that an article not a part of the lot then being auctioned off is a part of the lot.~~

#### **~~5.52.080 False Bidders and Boosters.~~**

~~—It shall be unlawful for any person to make or offer, or cause to be made or offered, a false bid or any other than a bona fide bid at a public auction or to act, or to employ any person to act, as a bybidder or what is commonly known as a "capper", "shill" or "booster" at any auction, or falsely to pretend to buy any articles at an auction sale, or to cause any person to do so.~~

#### **~~5.52.090 Substitution of Articles.~~**

~~—It shall be unlawful for any auctioneer or agent, employee or assistant, to substitute any article in lieu of the article offered to and purchased by the bidder, except with the bidder's knowledge and consent; or to attempt to induce the purchaser of any article to accept, in lieu of the article, any other articles.~~

#### **~~5.52.100 Article to be Delivered Within Twenty-Four (24) Hours After Payment.~~**

~~—It shall be unlawful for any auctioneer or agent, employee or assistant thereof, to refuse, fail or neglect to deliver complete and immediate possession to the purchaser within twenty-four (24) hours after the payment of the purchase price.~~

**~~5.52.110 Invoices to be Prepared on All Purchases Exceeding Two Dollars (\$2.00).~~**

~~—It shall be the duty of the auctioneer to make out an invoice containing a full and correct description of the articles sold and the price, for any purchase in excess of two dollars (\$2.00), and to give the invoice to the purchaser when the purchase price is paid. Duplicate copies of the invoices will be kept by the auctioneer for a period of one (1) month after the purchase date.~~

**~~5.52.120 Auction Sale of Jewelry and Furs Prohibited – Exception.~~**

~~—It shall be unlawful for any person to sell, offer for sale, or advertise for sale at public auction any jewelry, or any furs or garments composed in whole or part of furs; provided, however, that any person who has been engaged in the business of selling jewelry or furs at retail in the City for a period of at least a year may, upon obtaining a permit as provided in Section 5.52.170-5.52.220, conduct an auction solely for the purpose of disposing of his stock on hand and going out of business.~~

**~~5.52.130 Jewelry and Furs – Permit Required – Conditions.~~**

~~—An applicant desiring to obtain a permit for the purpose of holding an auction under Section 5.52.120 shall file, together with the application form set forth in Section 5.52.190, a sworn statement, attesting to the facts that he has conducted the business of selling jewelry or furs at retail for the period of at least a year in the City, that the purpose of the auction is to close out the applicant's stock in trade, and that the jewelry or furs to be sold form a bona fide part of the applicant's stock in trade. The statement shall be accompanied by an inventory of the goods to be auctioned off, itemizing in detail the quality and wholesale price of each item~~

~~of goods, together with the original date of purchase of each item. It shall be a condition of the granting of a permit for the purpose of holding such a sale that the books and accounts of the merchant shall be made available to the Tax and Permit Inspector or his deputies upon demand and refusal to permit inspection of the books and records shall be grounds for refusal of the permit.~~

#### **~~5.52.140 Jewelry and Furs - Labeling Articles.~~**

~~—In the event of any closing-out sale of jewelry or furs, it shall be unlawful to sell any article, unless there is attached to each article a tag, card or label upon which shall be plainly written in the English language, in the case of jewelry, a true and correct statement of the kind and quality of the material of which the article is composed, whether the article is or is not plated, the true name and quality of any precious or semi-precious gems incorporated in the article, and whether the gems are natural or synthetic; and if the article be a watch or clock, the true name of the manufacturer thereof. If all or any portion of the movement or case of the watch or clock is used or secondhand, that fact shall be noted on the tag. If the articles being sold are furs or garments composed in whole or part of furs, the card or tag shall state the quality of the furs, together with the true name of the animal from which the fur was taken. Such card or tag shall be securely affixed to the article while the article is on display prior to the sale, and shall remain so affixed until the article is delivered into the hands of the purchaser, and shall be read to the audience when such article is offered for sale; and any inaccuracies in the information contained on the card or tag shall be deemed prima facie evidence of intent to defraud the purchaser of the article to which it is affixed.~~

#### **~~5.52.150 Exemptions - Generally.~~**

~~—Nothing contained in this chapter shall apply to any sale made upon execution or by virtue of any process issued by a court, not to any sale made by any public officer in his official capacity required to be made under the laws of the United States or the State, or under the ordinances of the County, or any sale conducted under the provisions of the Uniform Warehouse Receipts Act; nor to any auction of livestock, nor any sale made under a nonstatutory assignment for the benefit of creditors generally, which sale shall be conducted by an auctioneer permitted pursuant to this chapter where the sale is limited to the stock in trade and fixtures on the premises in the City at the time of the assignment and where the sale is held on the premises.~~

#### **~~5.52.160 Exemptions – Executors, Public Officers, Etc.~~**

~~—The provisions of this chapter shall not be applicable to trustees in bankruptcy, executors, administrators, receivers or public officers acting under judicial order or process; provided, there shall, prior to their acting, first be filed with the Tax and Permit Inspector of the City, a statement under oath, stating the name of the court and proceeding in which the order or process under which they are acting was obtained and stating the date thereof.~~

#### **~~5.52.170 Permit Required.~~**

~~—It shall be unlawful for any person to hold himself out as an auctioneer, or to conduct or cause to be conducted an auction, unless such person shall have previously obtained a permit as provided in Section 5.52.190.~~

#### **~~5.52.180 Permit Duration.~~**

~~—An auctioneer's permit shall be good for a period of one (1) year from the date of its issue; provided, however, that it may be revoked at any time for violation of any of the terms of this chapter, or in the event that the permittee is convicted of a felony.~~

#### **~~5.52.190 Permit - Application - Information to be Shown.~~**

~~—Application for an auctioneer's permit shall be made in writing upon forms provided therefor to the Tax and Permit Inspector of the City at least thirty (30) days prior to the date of holding any auction. Each application shall be verified, and shall contain:~~

~~—(1) The name, address and principal place of business of the applicant;~~

~~—(2) The nature of the business and the length of time he has been engaged in it;~~

~~—(3) The place at which the auction is to be held and the type of merchandise to be sold;~~

~~—(4) Whether or not he has even been convicted of a felony or misdemeanor other than traffic violations, and the nature of the felony or misdemeanor;~~

~~—(5) The names and addresses of three (3) character references living in the County of his residence.~~

#### **~~5.52.200 Permit Application - Bond.~~**

~~—Each application for an auctioneer's permit must be accompanied by a bond in the principal amount of at least two thousand five hundred dollars (\$2,500.00), the form of which shall be approved by the City Attorney, with one (1) or more sureties thereon, to be approved by the City Attorney. The condition of each bond must be substantially such, that the principal named will faithfully conform to each and all of the ordinances of the City and each and all of the laws of the State, whether then in force or which may thereafter be adopted, relating to auctions or the business of auctioneers, and the prevention of fraudulent practices~~

~~in general. The bond shall provide that the principal and surety named in the bond, and their heirs, executors, administrators, successors and assigns shall be jointly and severally bound unto the City and unto any and every person aggrieved or damaged by a breach of the condition of the bond, and the bond shall provide that the bond shall not be void upon the first recovery, but may be sued and recovered upon from time to time, by the City or any person aggrieved or damaged in his own name, until the whole penalty is exhausted; and the life of the obligation of such bond shall be made such that it will continue for such length of time as such permit remains in force and effect.~~

#### **~~5.52.210 Permit Application - Denial - Appeal.~~**

~~—If, upon investigation of the applicant for an auctioneer's permit, it shall appear that the applicant is not a person of good moral character, or that he has knowingly falsified any statement in his application, the Tax and Permit Inspector shall refuse to approve the permit; and, in the event that the permit is refused, the applicant may appeal pursuant to the provisions of Section 1.30.050 of this Code.~~

#### **~~5.52.220 Permit Fee Renewal.~~**

~~—At the time of application, the applicant for an auctioneer's permit shall pay the sum of twenty-five dollars (\$25.00). If the applicant has not for the period of six (6) months immediately preceding his original application been a resident of the County, he shall pay in addition at the time of his original application, but not upon subsequent, renewal applications, the sum of fifty dollars (\$50.00), which sum shall be used to defray the cost of investigating the truth of the statements made in the application, and the references of the applicant. Renewal of any permit required by this chapter shall be promptly applied for at the expiration~~

~~date thereof. Should application for a renewal permit be made more than ten (10) days following the expiration date of the permit, then a fifty percent (50%) penalty charge to defray the cost to follow up shall be required for the renewal, in addition to the permit cost.~~

SECTION 24. Sections 5.64.070 and 5.64.130 of Chapter 5.64 of Title 5 of the Santa Barbara Municipal Code are amended to read as follows:

**5.64.070 Application - Contents - Fee.**

The application for the permit required by Section 5.64.060 shall contain the following information:

(1) The name and address of the applicant.

(2) The name and address of the individual applicant, his age, date and place of birth, and the same information for the manager and principal owner of firm, corporation and association applicants.

(3) Prior convictions of the applicant, their managers and principal owner, if any.

(4) At the time of filing an application, the applicant shall pay the City a non-refundable fee established by resolution of the City Council.

**5.64.130 ~~Permit Stickers.~~[Reserved.]**

~~—Each permittee shall place in a conspicuous manner upon every machine under his control a sticker furnished by the Tax and Permit Inspector, which sticker shall indicate that applicable permit fees have been paid.~~

SECTION 25. Sections 5.68.020 and 5.68.070 of Chapter 5.04 of Title 5 of the Santa Barbara Municipal Code are amended to read as follows:

#### **5.68.020 Application for Permission to Have Minors as Patrons - Information - Fee.**

The owner or operator of a poolroom or billiard room desiring the patronage of minors shall apply in writing to the Board of Fire and Police Commissioners of the City for permission to allow minors in such pool or billiard room. Such application shall show the name of the person, firm or corporation desiring to conduct, manage or carry on such place of business, the place where the same is to be located, and a general statement describing the proposed mode of operation of such establishment. Such application shall also show whether or not alcoholic beverages are sold or dispensed on the premises, or whether or not an application for the sale of alcoholic beverages will be made to the Department of Alcoholic Beverage Control of the State in connection with such premises. Such application shall be accompanied by a non-refundable fee ~~of twenty-five dollars (\$25.00) established by resolution of the City Council~~ to cover the cost of investigation of such application.

#### **5.68.070 Penalty for False Identification to Gain Entry.**

It shall be unlawful for any person to gain admission to a public pool or billiard room by presenting to the owner, proprietor, or any of their employees, a forged or spurious ~~identification written authorization which may be required to be presented under any provision of Section 5.68.040, and any such violation shall be punishable by a fine of not to exceed one hundred dollars (\$100.00) or by imprisonment of not more than ten (10) days.~~

SECTION 26. Section 5.72.030 of Chapter 5.04 of Title 5 of the Santa Barbara Municipal Code is amended to read as follows:

#### **5.72.030 Application Fee.**

At the time of filing the application, a non-refundable fee ~~of ten dollars (\$10.00)~~established by resolution of the City Council shall be paid to the ~~Tax and Permit Inspector~~Finance Department to cover the cost of processing the application. ~~The application fee shall not be refunded under any circumstances.~~

SECTION 27. Sections 5.76.040, 5.76.090, and 5.76.150 of Chapter 5.76 of Title 5 of the Santa Barbara Municipal Code are amended to read as follows:

**5.76.040 Application - Fee.**

(a) Any person desiring to obtain a permit to operate a massage establishment or to perform massage services shall make application to the Chief of Police for an investigation.

(b) Each application shall be accompanied by a ~~permit~~non-refundable application fee ~~of ten dollars (\$10.00)~~established by resolution of the City Council.

**5.76.090 Change of Location.**

A change of location of any of the aforementioned and described premises may be approved by the Chief of Police, provided all ordinances and regulations of the City of Santa Barbara are complied with and the change of location fee ~~of ten dollars (\$10.00)~~established by resolution of the City Council is deposited with the City.

**5.76.150 Sale or Transfer.**

Upon the sale or transfer of any interest in a massage establishment, the permit and tax ~~receipt~~certificate shall be null and void. A new application shall be made by any person, firm, or entity desiring to own or operate the massage establishment. ~~A fee of ten dollars (\$10.00)~~

~~shall be payable for each such application involving sale or other transfer of any interest in an existing massage establishment.~~ The provisions of this chapter shall apply to any person, firm, or entity applying for a massage establishment permit for premises previously used as such establishment.

Any such sale or transfer of any interests in an existing massage establishment or any application for an extension or expansion of the building or other place of business of the massage establishment, shall require inspection and shall require compliance with this chapter.